

AGENDA FOR THE DULUTH CITY COUNCIL MEETING

Monday, November 28, 2005, 7:00 p.m.

ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS - 7:30 p.m. - Establishment of Harbor View Phase II TIF District.

7:30 p.m. - Establishment of Matterhorn Alps TIF District.

8:00 p.m. - DECC expansion.

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The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility will provide increased opportunities for civil discourse in order to find positive resolutions to the issues that face the city. These tools include: pay attention, listen, be inclusive, do not gossip, show respect, be agreeable, apologize, give constructive criticism and take responsibility. [Approved by the council on August 25, 2003]

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PRESENTATION OF PETITIONS AND OTHER COMMUNICATIONS

- * 05-1128-01 James and Gail A. Sundstrom submitting petition to construct 125 linear feet of sanitary sewer within Central Avenue Alley beginning 60 feet north of Albion Street and extending northerly. -- Assessor
- * 05-1128-02 Bryan Wutz, et al. (seven signatures), submitting petition to construct a sanitary sewer in Maple Grove Road beginning at existing manhole 200 feet west of Robin Avenue and extending 1,000 feet westerly (1,000 lineal feet). -- Assessor
- * 05-1128-03 Greater Downtown Council submitting communication regarding a proposed increase in the penalty for overtime parking (05-051-O). -- Received (E-MAILED)
- * 05-1128-04 Rick Kollath submitting communication regarding a request for legislative authority for city food and beverage tax of limited duration (05-0807R). -- Received (E-MAILED)
- * 05-1128-05 Mary Ogren submitting communication regarding approval of a supplemental agreement with the city of Duluth Supervisory Association regarding active and retiree health insurance (05-0741R). -- Received
- * 05-1128-06 Shelton Properties, LLC, acceptance of terms, conditions and provisions of concurrent use permit granted by Ordinance 9751 on October 11, 2005. -- Received

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REPORTS OF OFFICERS

- * 05-1128-07 Assessor submitting:
 - (a) For confirmation the assessment roll levied to defray the assessable portion of construction of a bituminous street at 14th Street from Central Entrance to 400 feet easterly (Contract No. 5421 - assessable amount - \$52,464.93);
 - (b) Letters of sufficiency of petitions to construct watermain and sanitary sewers in:
 - (1) Chester Way from Missouri Avenue to approximately 405 feet west of center line of Missouri Avenue;
 - (2) Commonwealth Avenue from approximately 283 feet north of centerline of vacated Lorain Avenue to approximately 333 feet south of centerline of vacated Lorain Avenue. -- Received
- * 05-1128-08 Clerk submitting application to the Minnesota gambling control board for exemption from lawful gambling from Greater Downtown Council on January 18, 2006 (raffle). -- Received

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* 05-1128-09 Duluth airport authority: (a) Balance sheet for September 30, 2005; (b) Minutes of October 18, 2005, meeting (E-MAILED). -- Received

05-1128-10 Duluth/North Shore Sanitary District minutes of October 12, 2005, meeting. -- Received (E-MAILED)

* 05-1128-11 Duluth human rights commission minutes of October 12, 2005, meeting. -- Received (E-MAILED)

* 05-1128-12 Parking commission minutes of October 11, 2005, meeting. -- Received (E-MAILED)

* 05-1128-13 Planning commission minutes of October 26, 2005, meeting. -- Received (E-MAILED)

* 05-1128-14 Spirit Mountain recreation area authority minutes of: (a) September 15; (b) October 20, 2005, meetings. -- Received (E-MAILED)

* Listed only, not copied.

REPORTS OF COUNCIL COMMITTEES

REPORTS OF COUNCIL OPEN ISSUES

- Comprehensive plan (5/28/2002)
- Planned unit development (5/28/2002)
- Canal Park parking ramp (11/21/2002)
- Bayfront master plan (12/16/2002)
- ISD 709 (7/10/2003)
- Retiree benefits (4/12/2004)
- Air National Guard base (7/21/2005)
- Kapsner issues (8/22/2005)

OPPORTUNITY FOR CITIZENS TO BE HEARD

RESOLUTIONS TABLED

COMMITTEE 1

BY COUNCILOR STAUBER (FINANCE)

05-0741R - RESOLUTION APPROVING A SUPPLEMENTAL AGREEMENT WITH THE CITY OF DULUTH
SUPERVISORY ASSOCIATION REGARDING ACTIVE AND RETIREE HEALTH INSURANCE.

(TABLED 11/14)

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0699R - RESOLUTION AFFIRMING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY A VARIANCE TO REDUCE THE MINIMUM CORNER SIDE YARD SETBACK REQUIREMENT FROM 20 FEET TO TEN FEET FOR THE CONSTRUCTION OF A 904 SQUARE FOOT ADDITION TO AN EXISTING 576 SQUARE FOOT DETACHED GARAGE ON PROPERTY LOCATED AT 322 NORTH 80TH AVENUE WEST (DAVID MARK RIDGEWELL). (TABLED 10/24)

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0700R - RESOLUTION REVERSING THE DECISION OF THE BOARD OF ZONING APPEALS TO DENY A VARIANCE TO REDUCE THE MINIMUM CORNER SIDE YARD SETBACK REQUIREMENT FROM 20 FEET TO TEN FEET FOR THE CONSTRUCTION OF A 904 SQUARE FOOT ADDITION TO AN EXISTING 576 SQUARE FOOT DETACHED GARAGE ON PROPERTY LOCATED AT 322 NORTH 80TH AVENUE WEST (DAVID MARK RIDGEWELL). (TABLED 10/24)

05-0761R - RESOLUTION TERMINATING A CONCURRENT USE PERMIT TO THE DULUTH TRANSIT AUTHORITY FOR A BUS SHELTER ON SECOND AVENUE EAST ABOVE SUPERIOR STREET (NORSHOR BUILDING). (TABLED 11/14)

COMMITTEE 3

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-0756R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE OVER THE HILL NIGHT RIDERS SNOWMOBILE CLUB FOR GROOMING THE CROSS COUNTRY SNOWMOBILE TRAIL-WEST FOR AN AMOUNT NOT TO EXCEED \$15,000. (TABLED 11/14)

05-0757R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE DRIFT TOPPERS SNOWMOBILE CLUB FOR GROOMING THE CROSS COUNTRY SNOWMOBILE TRAIL-EAST FOR AN AMOUNT NOT TO EXCEED \$5,000. (TABLED 11/14)

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MOTIONS AND RESOLUTIONS

CONSENT AGENDA

All matters listed under the consent agenda are considered routine and/or noncontroversial and will be enacted by one unanimous motion. If a councilor requests, or a citizen wishes to speak on an item on the consent agenda, it will be removed and handled separately.

COMMITTEE 1

BY COUNCILOR STAUBER (FINANCE)

05-0784R - RESOLUTION CONFIRMING ASSESSMENT ROLL LEVIED TO DEFRAY THE ASSESSABLE PORTION OF BITUMINOUS STREET AT 14TH STREET FROM CENTRAL ENTRANCE TO 400 FEET EAST.

05-0789R - RESOLUTION AMENDING RESOLUTION 04-0682 ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2005; SETTING THE FEE FOR ONE DAY DANCING LICENSE.

05-0804R - RESOLUTION ADOPTING LICENSE, PERMIT AND FEE CHARGES FOR 2006.

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0787R - RESOLUTION AWARDING CONTRACT TO RTW, INC., FOR PROFESSIONAL SERVICES FOR THIRD PARTY ADMINISTRATION OF WORKERS' COMPENSATION INSURANCE IN THE AMOUNT OF \$95,000.

COMMITTEE 1

BY COUNCILOR STEWART (PURCHASING & LICENSING)

05-0801R - RESOLUTION ISSUING A TEMPORARY ON SALE 3.2 PERCENT MALT LIQUOR LICENSE TO THE COLLEGE OF ST. SCHOLASTICA, 1200 KENWOOD AVENUE.

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-0785R - RESOLUTION VACATING FOURTH STREET BETWEEN BIRCH STREET AND LYNN STREET ON RICES POINT (SEAWAY PORT AUTHORITY OF DULUTH).

05-0808R - RESOLUTION APPROVING A TAX INCREMENT FINANCING PLAN FOR THE MATTERHORN APARTMENTS TAX INCREMENT FINANCING DISTRICT AS PROPOSED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA.

05-0809R - RESOLUTION APPROVING A TAX INCREMENT FINANCING PLAN FOR THE HARBOR VIEW PHASE II TAX INCREMENT FINANCING DISTRICT AS PROPOSED BY THE HOUSING AND REDEVELOPMENT AUTHORITY OF DULUTH, MINNESOTA.

05-0813R - RESOLUTION OBJECTING TO PROPOSED RECLASSIFICATION TO NON-CONSERVATION AND SALE OF CERTAIN TAX FORFEITED PARCELS BY THE BOARD OF COUNTY COMMISSIONERS OF SAINT LOUIS COUNTY (OCTOBER 19, 2005, RECLASSIFICATION LETTER).

05-0814R - RESOLUTION AMENDING THE MOUNT ROYAL C-3 SHOPPING CENTER DISTRICT TO ALLOW EXPANSION OF THE MOUNT ROYAL FINE FOODS STORE (HRTV LLC).

BY COUNCILOR ATKINS (INTERGOVERNMENTAL RELATIONS)

05-0792R - RESOLUTION AUTHORIZING EXECUTION OF AN AGREEMENT WITH SUPERIORUSA BENEFITS CORPORATION TO PROVIDE ADMINISTRATIVE SERVICES FOR A FLEXIBLE BENEFITS PLAN FOR THE CITY FOR YEAR 2006 AT AN ESTIMATED COST OF \$11,250.

05-0818R - RESOLUTION AWARDING CONTRACT TO ST. LOUIS COUNTY SOCIAL SERVICES FOR APPROXIMATELY 49,000 HOT MEALS, IN THE APPROXIMATE TOTAL COST OF \$165,967.92

BY PRESIDENT NESS (COMMITTEE OF THE WHOLE)

05-0807R - RESOLUTION REQUESTING LEGISLATIVE AUTHORITY FOR CITY FOOD AND BEVERAGE TAX OF LIMITED DURATION.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-0765R - RESOLUTION AMENDING RESOLUTION 05-0212 FOR A CONTRACT TO UTILITY SYSTEMS OF AMERICA FOR MORGAN PARK PHASE II TO INCREASE THE AMOUNT BY \$325,750.95.

05-0788R - RESOLUTION AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF A \$32,700 GRANT FROM MNDNR FOR SURFACE WATER QUALITY AWARENESS OUTREACH PROGRAM.

COMMITTEE 3

BY COUNCILOR STOVER

(PUBLIC WORKS & UTILITIES)

05-0790R - RESOLUTION OF INTENT TO CONSTRUCT A RESIDENTIAL STREET, SANITARY SEWER, WATER AND GAS IN SPEAR AVENUE FROM SILCOX AVENUE TO LIVINGSTON AVENUE.

05-0791R - RESOLUTION OF INTENT TO CONSTRUCT A PERMANENT ALLEY IN FIRST ALLEY FROM 377 FEET TO 470 FEET EASTERLY OF TENTH AVENUE EAST.

05-0796R - RESOLUTION AUTHORIZING AMENDMENT NO. 1 TO GRANT NO. A67967 WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES, RELATED TO THE DULUTHSTREAMS.ORG WEBSITE, EXTENDING THE TERM THEREOF.

05-0806R - RESOLUTION AMENDING THE STREETS AND HIGHWAY DESIGNATION AS TRUCK ROUTES PURSUANT TO SECTION 33-49 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

05-0810R - RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE CONSTRUCTION OF BRIDGE NO. 69671 ON SEVEN BRIDGES ROAD OVER AMITY CREEK.

05-0811R - RESOLUTION REQUESTING A VARIANCE FROM THE MINNESOTA DEPARTMENT OF TRANSPORTATION AND INDEMNIFYING THE STATE OF MINNESOTA IN CONNECTION WITH THE GRANTING OF A MINNESOTA STATE AID VARIANCE IN THE CONSTRUCTION OF BRIDGE NO. 69672 ON SKYLINE PARKWAY OVER AMITY CREEK.

05-0817R - RESOLUTION AWARDING CONTRACT TO APEX MECHANICAL FOR CONSTRUCTION SERVICES TO REPAIR THE STEAM VAULT, IN THE AMOUNT OF \$34,957.00

05-0819R - RESOLUTION AWARDING CONTRACT TO NORD-SEN METAL INDUSTRIES, INC. FOR A COAL ELEVATOR IN THE AMOUNT OF \$28,822.50

05-0820R - RESOLUTION OF INTENT TO CONSTRUCT A WATERMAIN AND SANITARY SEWER IN CHESTER WAY FROM MISSOURI AVENUE TO APPROXIMATELY 405 FEET WEST OF THE CENTERLINE OF MISSOURI AVENUE (CITY JOB NO. 0542WA).

05-0821R - RESOLUTION OF INTENT TO CONSTRUCT A WATERMAIN AND SANITARY SEWER IN COMMONWEALTH AVENUE FROM APPROXIMATELY 283 FEET NORTH OF THE CENTERLINE OF VACATED LORAIN AVENUE TO APPROXIMATELY 213 FEET SOUTH OF THE CENTERLINE OF VACATED LORAIN AVENUE.

05-0822R - RESOLUTION AUTHORIZING AN AGREEMENT WITH THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES FOR CROSSING THE LESTER RIVER IN CONJUNCTION WITH EAST LEG GAS MAIN PHASE V IN EAST SUPERIOR STREET FROM 60TH AVENUE EAST TO LAKEWOOD ROAD (CITY JOB NO. 0030GS).

05-0823R - RESOLUTION ESTABLISHING THE CUSTOMER CHARGE AND USER CHARGES FOR THE CITY'S WASTEWATER FACILITIES EFFECTIVE WITH METER READINGS AFTER JANUARY 1, 2006; RESCINDING ALL PRIOR INCONSISTENT OR CONFLICTING RESOLUTIONS WITH RESPECT TO SUCH RATES AND DESIGNATING THAT THE RATES.

COMMITTEE 3

BY COUNCILOR LITTLE (PUBLIC SAFETY)

05-0805R - RESOLUTION TO RESCIND THE DESIGNATION AND ESTABLISHMENT AS A ONE WAY STREET THAT PART OF FIRST STREET BETWEEN 19TH AVENUE WEST AND 30TH AVENUE WEST.

BY COUNCILOR REINERT (RECREATION, LIBRARIES & AUTHORITIES)

05-0783R - RESOLUTION ACCEPTING \$25,000 FROM THE NORTHLAND FOUNDATION FOR AFTER SCHOOL AND SUMMER PROGRAMMING FOR YOUTH IN WESTERN DULUTH AND AUTHORIZING PROPER CITY OFFICIALS TO EXECUTE GRANT AGREEMENT.

05-0795R - RESOLUTION ACCEPTING A BEQUEST FROM THE ESTATE OF OSCAR JOHN SLOTNESS.

05-0812R - RESOLUTION AUTHORIZING CITY OFFICIALS TO APPLY FOR AND ACCEPT A MINNESOTA LAKE SUPERIOR COASTAL PROGRAM GRANT IN THE AMOUNT OF \$14,250 FROM THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES AND TO PROVIDE IN KIND SERVICES IN THE AMOUNT OF \$4,750.

05-0815R - RESOLUTION AWARDED CONTRACT TO POLARIS LIBRARY SYSTEMS FOR COMPUTER SERVERS IN THE AMOUNT OF \$19,416.

END OF CONSENT AGENDA

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INTRODUCTION AND CONSIDERATION OF ORDINANCES

The following entitled ordinance is to be read for the first time:

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-052-O - AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE 1959, AS AMENDED, ZONING DISTRICT MAP NO. 43 AS CONTAINED IN THE APPENDIX TO CHAPTER 50, TO PROVIDE FOR THE RECLASSIFICATION FROM S, SUBURBAN, TO R-1-B, SINGLE FAMILY RESIDENTIAL, PROPERTY LOCATED SOUTH OF GLENWOOD STREET ALONG THE NORTH SIDE OF NORTH RIDGE ROAD (CITY OF DULUTH).

The following entitled ordinances are to be read for the second time:

COMMITTEE 2

BY COUNCILOR GILBERT (PLANNING & ECONOMIC DEVELOPMENT)

05-049-O - AN ORDINANCE PLACING CURRENT NONCONFORMING LOTS IN COMPLIANCE WITH SECTION 50-25 OF THE LEGISLATIVE CODE OF THE CITY OF DULUTH.

05-050-O - AN ORDINANCE GRANTING ST. MARY'S DULUTH CLINIC MEDICAL CENTER A CONCURRENT USE PERMIT TO CONSTRUCT AND MAINTAIN DECORATIVE STREET LIGHTING, DATA CONDUITS AND SNOW MELT SYSTEM WITHIN THE RIGHT-OF-WAY OF EAST FIRST STREET BETWEEN FOURTH AVENUE AND SIXTH AVENUE EAST.

COMMITTEE 3

BY COUNCILOR STOVER (PUBLIC WORKS & UTILITIES)

05-051-O - AN ORDINANCE AMENDING DULUTH CITY CODE SECTION 33-46; INCREASING PENALTY FOR OVERTIME PARKING.

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COUNCILOR QUESTIONS AND COMMENTS

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